

UNITED STATES DISTRICT COURT

**DISTRICT OF NEVADA**

TERRANCE EUGENE WILLIAMS,

Case No. 3:21-cv-00187-HDM-CLB

Petitioner,  
v.

## ORDER

NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,

## Respondents.

On May 24, 2021, the Court entered an order directing  
tioner Terrance Eugene Williams, a *pro se* Nevada prisoner, to  
his petition on the Court's required 28 U.S.C. § 2254 petition  
and to either pay the standard five dollar (\$5.00) filing fee  
file a complete application for leave to proceed *in forma  
teris* ("IFP") within 30 days. ECF No. 4. On June 9, 2021,  
tioner filed a Motion for Appointment of Counsel<sup>1</sup> (ECF No. 5)  
another IFP application (ECF No. 6).

Petitioner's IFP application, however, is incomplete. Petitioner must include a copy of the prisoner's trust account statement for the six-month period prior to filing.<sup>2</sup> See 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Petitioner will have 30 days from the date of this order to submit a copy of the prisoner's trust account statement for the six-month period prior to filing to complete his

<sup>1</sup> The Court will defer consideration of the motion for appointment of counsel until Petitioner has fully complied with this order.

<sup>2</sup> An IFP application is complete with the appropriate supporting documentation: (1) a financial certificate signed by an authorized prison official, (2) a copy of the prisoner's trust account statement for the six-month period prior to filing, and (3) a financial affidavit and acknowledgement signed by the prisoner showing an inability to prepay fees and costs or give security for them.

1 IFP application or alternatively pay the \$5.00 filing fee.

2 In addition, to date, Petitioner has not filed an amended  
3 petition on the Court's required 28 U.S.C. § 2254 petition form as  
4 instructed in the Court's previous order. Local Rule LSR 3-1  
5 requires Petitioner to file his petition on the Court's required  
6 § 2254 petition form. Instead of complying with the local rule,  
7 Petitioner used a state court form. Petitioner must use the  
8 required form to state his claims in order to provide the court  
9 with necessary information to conduct preliminary review of the  
10 petition. Accordingly, Petitioner must file an amended petition on  
11 the Court's form within 30 days of the date of this order.

12 Petitioner must clearly title the amended petition as such by  
13 writing the word "AMENDED" immediately above "Petition for a Writ  
14 of Habeas Corpus" on page 1 in the caption, and he must place the  
15 case number, 3:21-cv-00187-HDM-CLB, in the designated space. Under  
16 Local Rule 15-1, the amended petition must be complete in itself  
17 without reference to previously filed papers. Thus, the claims and  
18 allegations that are stated in the amended petition will be the  
19 only matters remaining before the Court. Any claims or allegations  
20 that are left out of the amended petition or that are not re-  
21 alleged will not be considered.

22 Lastly, electronic filing is now mandatory at Northern Nevada  
23 Correctional Center for all prisoner filings in all federal cases  
24 before this Court, including civil rights and habeas corpus cases,  
25 in accordance with the Court's Fifth Amended General Order 2012-  
26 01. (ECF No. 3). Since he is housed at Northern Nevada Correctional  
27 Center, Petitioner must electronically file all future court  
28 documents, instead of mailing those documents to the Clerk of

1 Court.

2 **IT IS THEREFORE ORDERED:**

3 1. Within 30 days of the date of this order, Petitioner must  
4 file a copy of his inmate trust account statement for the  
5 six-month period prior to filing. Alternatively,  
6 Petitioner will pay the \$5 filing fee within 30 days.

7 2. The Clerk of Court is instructed to MAIL Petitioner a blank  
8 form petition for a writ of habeas corpus pursuant to 28  
9 U.S.C. § 2254 with instructions.

10 3. Petitioner must file an amended petition on the Court's  
11 form within 30 days. Petitioner must clearly title the  
12 amended petition as such by writing the word "AMENDED"  
13 immediately above "Petition for a Writ of Habeas Corpus"  
14 on page 1 in the caption, and he must place the case number,  
15 3:21-cv-00187-HDM-CLB, in the designated space.

16 4. Petitioner's failure to comply with this Order by (a)  
17 filing an amended petition, and either (b) submitting a  
18 statement of his inmate trust account for the six-month  
19 period prior to filing to complete his IFP application, or  
20 (c) paying the filing fee within 30 days will result in  
21 the dismissal of this action without prejudice and without  
22 further advance notice.

23 DATED: this 6th day of July, 2021.

24 

25 

---

 HOWARD D. MCKIBBEN  
26 UNITED STATES DISTRICT JUDGE  
27  
28